

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 IN RE OPTICAL DISK DRIVE PRODUCTS
11 ANTITRUST LITIGATION

Case No. 3:10-md-2143 RS

12 This document relates to:
13
14 ALL ACTIONS

~~[PROPOSED]~~ ORDER RE: DIRECT
ACTION PLAINTIFF CASE
MANAGEMENT ORDER, CLASS
CERTIFICATION HEARING, AND
STATE OF FLORIDA ACTION

15
16 This Court held a further case management conference on February 7, 2014. After
17 considering the joint statement submitted by the parties and consulting with the attorneys of
18 record, and good cause appearing, IT IS HEREBY ORDERED THAT:

19 **A.** The [Proposed] Case Management Order Re Direct Action Plaintiff Cases

20 The Court is inclined to enter the undisputed sections of the [Proposed] Case Management
21 Order Re Direct Action Plaintiff Cases attached to the parties' Case Management Conference
22 Statement. The parties shall meet and confer regarding the disputed portions of Paragraphs I and
23 M. To the extent the parties cannot reach a resolution, the parties shall submit their disputes to
24 Magistrate Judge Spero in accordance with his Law and Motion Hearing Procedures. (Dkt. 684.)

25 **B.** Hearing on Class Certification

26 The parties shall meet and confer regarding the hearing on the Direct and Indirect
27 Purchaser Plaintiffs' Motions for Class Certification and submit proposed hearing dates to the

1 Court by March 4, 2014. Any Reply Memoranda in support of Defendants' Motion to Strike the
2 Proposed Expert Testimony of Dr. Kenneth Flamm (Dkt. 1034) and Defendants' Motion to Strike
3 Report of Direct Purchaser Plaintiffs' Expert Dr. Gary French (Dkt. 1038), shall be filed by
4 February 25, 2014, or such other date as the parties may agree following a meet and confer.

5 **C. State of Florida Action**

6 The action styled, *State of Florida, Office of the Attorney General, Department of Legal*
7 *Affairs v. Hitachi-LG Data Storage, Inc., et al.*, No. 13-cv-1877 ("Florida Action"), is hereby
8 consolidated with the Indirect Purchaser Actions in *In re Optical Disk Drive Products Antitrust*
9 *Litig.*, No. 10-md-2143, for all pretrial and trial purposes.

10 The State of Florida's renewed Motion for Administrative Relief Re: Waiver of the Local
11 Co-Counsel Requirement for *Pro Hac Vice* Admission, filed as Docket No. 6 in the Florida
12 Action, is hereby granted.

13 **IT IS SO ORDERED.**

14
15 DATED: February ¹⁹~~14~~, 2014

16
17 

18 HON. RICHARD SEEBORG
19 UNITED STATES DISTRICT JUDGE

20
21 Respectfully submitted by:

22
23 DATED: February 14, 2014

LATHAM & WATKINS LLP

24 /s/ Belinda S Lee

25 BELINDA S LEE

26 505 Montgomery Street, Suite 2000
27 San Francisco, CA 94111
28 Telephone: (415) 395-8240
Facsimile: (415) 395-8095

belinda.lee@lw.com

Liaison Counsel on behalf of all Defendants

Attorneys for Defendants
*TOSHIBA SAMSUNG STORAGE TECHNOLOGY
CORP. KOREA; TOSHIBA SAMSUNG STORAGE
TECHNOLOGY CORP.; TOSHIBA
CORPORATION; and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.*

Approved as to form and content:

DATED: February 14, 2014

ALSTON & BIRD LLP

By /s/ Rodney J. Ganske
RODNEY J. GANSKE

RODNEY J. GANSKE
Rodney J. Ganske, Ga. Bar No. 283819
Michael P. Kenny
Debra D. Bernstein
Andrew J. Tuck
ALSTON & BIRD LLP
1201 W. Peachtree Street NW
Atlanta, Georgia 30309
TEL: (404) 881-7000
FAX: (404) 881-7777
rod.ganske@alston.com
mike.kenny@alston.com
debra.bernstein@alston.com
andy.tuck@alston.com

Attorney for Plaintiffs
DELL INC. and DELL PRODUCTS L.P.

DATED: February 14, 2014

CROWELL & MORING LLP

By /s/ Beatrice B. Nguyen
BEATRICE B. NGUYEN

Beatrice B. Nguyen
CROWELL & MORING LLP
275 Battery Street, 23rd Floor
San Francisco, California 94111
Telephone: (415) 986-2800

bbnguyen@crowell.com

Daniel A. Sasse
Nathanial J. Wood
Angela J. Yu
CROWELL & MORING LLP
3 Park Plaza, 20th Floor
Irvine, California 92614
Telephone: (949) 263-8400
dsasse@crowell.com
nwood@crowell.com
ayu@crowell.com

Matthew J. McBurney
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, D.C. 20004-2595
mmcburney@crowell.com

Attorneys for *Hewlett-Packard Company*

DATED: February 14, 2014

BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP

By /s/ Lester Houtz
LESTER HOUTZ

Karma Giulianelli
karma.giulianelli@bartlit-beck.com
Lester Houtz
lester.houtz@bartlit-beck.com
Andre M. Pauka
andre.pauka@bartlit-beck.com
Daniel R. Brody
daniel.brody@bartlit-beck.com
BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP
1899 Wynkoop Street, Suite 800
Denver, CO 80202
Telephone: (303) 592-3100

Mark E. Ferguson
mark.ferguson@bartlit-beck.com
BARTLIT BECK HERMAN PALENCHAR &
SCOTT LLP

1 54 West Hubbard Street
2 Chicago, IL 60610
3 Telephone: (312) 494-4400

4 Attorneys for *Hewlett-Packard Company*

5 DATED: February 14, 2014

CROWELL & MORING LLP

6 By /s/ Daniel A. Sasse
7 DANIEL A. SASSE

8 Daniel A. Sasse
9 CROWELL & MORING LLP
10 3 Park Plaza, 20th Floor
11 Irvine, California 92614
12 Telephone: (949) 263-8400
13 dsasse@crowell.com

14 Attorneys for *Ingram Micro Inc. and Synnex Corporation*

15 DATED: February 14, 2014

CARLTON FIELDS JORDEN BURT, P.A.

16 By /s/ David B. Esau
17 DAVID B. ESAU

18 James B. Baldinger
19 David B. Esau
20 CityPlace Tower
21 525 Okeechobee Blvd., Suite 1200
22 West Palm Beach, Florida 33401-6350
23 jbbaldinger@carltonfields.com
24 desau@carltonfields.com

25 Attorneys for *Acer Inc.; Acer America Corporation;*
26 *Gateway, Inc.; and Gateway U.S. Retail Inc., F/K/A*
27 *eMachines, Inc.*

28 DATED: February 14, 2014

OFFICE OF THE ATTORNEY GENERAL
STATE OF FLORIDA

By /s/ Elizabeth A. Brady
LIZABETH A. BRADY

Lizabeth A. Brady
Nicholas J. Weilhammer
R. Scott Palmer
Colin Fraser
PL-01, The Capitol
Tallahassee, Florida 32399
Tel: 850-414-3300
Fax: 850-488-9134
Liz.Brady@myfloridalegal.com
Nicholas.Weilhammer@myfloridalegal.com
Scott.Palmer@myfloridalegal.com
Colin.Fraser@myfloridalegal.com

Attorneys for *THE STATE OF FLORIDA*

DATED: February 14, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Shana E. Scarlett
SHANA E. SCARLETT

Shana E. Scarlett
Jeff D. Friedman (173886)
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
jefff@hbsslaw.com
shanas@hbsslaw.com
Steve W. Berman (*Pro Hac Vice*)
George W. Sampson (*Pro Hac Vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
301 North Lake Ave., Suite 203
Pasadena, CA 91101
Telephone: (213) 330-7150
Facsimile: (213) 330-7152
Lee Gordon SBN (174168)
HAGENS BERMAN SOBOL SHAPIRO LLP
301 North Lake Ave., Suite 203
Pasadena, CA 91101
Telephone: (213) 330-7150
Facsimile: (213) 330-7152

Interim Lead Counsel for Indirect Purchaser

Plaintiffs

DATED: February 14, 2014

SAVERI & SAVERI INC.

By /s/ Guido Saveri
GUIDO SAVERI

R. Alexander Saveri (173102)
Cadio Zirpoli (179108)
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813
guido@saveri.com
rick@saveri.com
cadio@saveri.com

Interim Lead Counsel for Direct Purchaser Class

DATED: February 14, 2014

DLA PIPER LLP

By /s/ David Bamberger
DAVID BAMBERGER

500 8th Street, N.W.
Washington, DC 20004
Telephone: (202) 799-4500
Facsimile: (202) 799-5000
david.bamberger@dlapiper.com

Attorneys for Defendants
TEAC CORPORATION and TEAC AMERICA INC.

DATED: February 14, 2014

BAKER BOTTS L.L.P.

By /s/ John Taladay
JOHN TALADAY

1299 Pennsylvania Ave. NW
Washington, DC 20004
Telephone: (202) 383-7199
Facsimile: (202) 383-6610
john.taladay@bakerbotts.com

Attorneys for Defendants
*KONINKLIJKE PHILIPS N.V.; LITE-ON IT CORP.
OF TAIWAN; PHILIPS & LITE-ON DIGITAL
SOLUTIONS CORP.; PHILIPS & LITE-ON
DIGITAL SOLUTIONS USA, INC.*

DATED: February 14, 2014

VINSON & ELKINS

By /s/ Matthew Jacobs
MATTHEW JACOBS

525 Market Street, Suite 2750
San Francisco, CA 94105
Telephone: (415) 979-6990
Facsimile: (415) 651-8786
mjacobs@velaw.com

Attorneys for Defendant
HITACHI, LTD.

DATED: February 14, 2014

ROPES & GRAY LLP

By /s/ Michelle Visser
MICHELLE VISSER

Three Embarcadero Center
San Francisco, CA 94111-4006
Telephone: (415) 315-6300
Facsimile: (415) 315-6350
michelle.visser@ropesgray.com

Attorneys for Defendants
*HITACHI-LG DATA STORAGE, INC.; HITACHI-
LG DATA STORAGE KOREA, INC.*

DATED: February 14, 2014

EIMER STAHL LLP

By /s/ Vanessa Jacobsen
VANESSA JACOBSEN

224 S. Michigan Ave., Suite 1100
Chicago, IL 60604
Telephone: (312) 660-7600
Facsimile: (312) 692-1718

1 vjacobsen@eimerstahl.com

2 Attorneys for Defendants
3 *LG ELECTRONICS, INC. and LG ELECTRONICS*
4 *USA, INC.*

5 DATED: February 14, 2014

BOIES SCHILLER & FLEXNER LLP

6 By /s/ John F. Cove Jr.
7 JOHN F. COVE JR.

8 1999 Harrison Street, Suite 900
9 Oakland, CA 94612
10 Telephone: (510) 874-1000
11 Facsimile: (510) 874-1460
12 jcove@bsflp.com

11 Attorneys for Defendants
12 *SONY CORPORATION; SONY OPTIARC*
13 *AMERICA, INC.; SONY OPTIARC, INC.*

14 DATED: February 14, 2014

O'MELVENY & MYERS LLP

15 By /s/ Ian Simmons
16 IAN SIMMONS

17 1625 Eye Street, NW
18 Washington, DC 20006
19 Telephone: (202) 383-5106
20 Facsimile: (202) 383-5414

20 Attorneys for Defendant
21 *SAMSUNG ELECTRONICS CO., LTD.; SAMSUNG*
22 *ELECTRONICS OF AMERICA, INC.*

23 DATED: February 14, 2014

DICKSTEIN SHAPIRO LLP

24 By /s/ Joel B. Kleinman
25 JOEL B. KLEINMAN

26 Lisa M. Kaas
27 1825 Eye Street NW
28 Washington, DC 20006-540
Telephone: (202) 420-2200

Facsimile: (202) 420-2201
kleinmanj@dicksteinshapiro.com
kaasl@dicksteinshapiro.com

Attorneys for Defendants
*BENQ CORPORATION and BENQ AMERICA
CORP.*

DATED: February 14, 2014

WINSTON & STRAWN LLP

By /s/ Robert B. Pringle
ROBERT B. PRINGLE

Paul R. Griffin
Sean Meenan
101 California Street, Suite 3900
San Francisco, CA 94111
Telephone: (415) 591-1000
Facsimile: (415) 519-1400
rpringle@winston.com
pgriffin@winston.com
smeen@winston.com

Attorneys for Defendants
NEC CORPORATION

DATED: February 14, 2014

WINSTON & STRAWN LLP

By /s/ Jeffrey L. Kessler
JEFFREY L. KESSLER

David L. Greenspan
James F. Lerner
George Mastoris
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
jkessler@winston.com
dgreenspan@winston.com
jlerner@winston.com
gmastoris@winston.com

Attorneys for Defendants
PANASONIC CORPORATION and PANASONIC

CORPORATION OF NORTH AMERICA

DATED: February 14, 2014

NOVAK DRUCE CONNOLLY BOVE + QUIGG
LLP

By /s/ Minda R. Schechter
MINDA R. SCHECTER

333 S. Grand Avenue, Suite 2300
Los Angeles, CA 90071
Telephone: (213) 787-2500
Facsimile: (213) 687-0498
mindaschechter@novakdruce.com
Rudolf E. Hutz
Zhun Lu
Keith A. Walter, Jr.
1007 N. Orange Street
Wilmington, DE 19899
Telephone: (302) 658-9141
Facsimile: (302) 658-5614
Rudolf.hutz@novakdruce.com
Zhun.lu@novakdruce.com
Keith.walter@novakdruce.com

Attorneys for Defendants
*QUANTA STORAGE INC. and QUANTA
STORAGE AMERICA INC.*

DATED: February 14, 2014

JONES DAY

By /s/ Eric P. Enson
ERIC P. ENSON

Jeffrey A. Levee
Kathleen P. Wallace
555 South Flower Street
Fiftieth Floor
Los Angeles, CA 90071-2300
Telephone: (213) 489-3939
Facsimile: (213) 243-2539
epenson@jonesday.com
jlevee@jonesday.com
kwallace@jonesday.com

Attorneys for Defendants

*PIONEER CORPORATION; PIONEER HIGH
FIDELITY TAIWAN CO., LTD.; PIONEER NORTH
AMERICA, INC. AND PIONEER ELECTRONICS
(USA) INC.*

ATTESTATION OF CONCURRENCE IN THE FILING

Pursuant to Civil Local Rule No. 5-1(i)(3), I declare that concurrence has been obtained
from each of the above signatories to file this document with the Court.

/s/ Belinda S Lee
BELINDA S LEE